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10/757,681

01/14/2004

Che-Li Lin

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34283 7590 08/24/2005

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EXAMINER

WRIGHT, INGRID D

ART UNIT

PAPER NUMBER

2835

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/757,681

Applicant(s)

LIN, CHE-LI

Examiner

Ingrid Wright

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2 & 9-10 are rejected under 35 U.S.C. 102 (e) as being anticipated by Yeung (US PN 6842652 B2).

With respect to claim 1, Yeung teaches (Fig. 3,4) an image capture device (10), comprising a body (50), a rotating member (26) rotatably connected to the body (50) and having first surfaces (not labeled), second surfaces (not labeled), an image capture sensor (66) disposed on the second surface (not labeled) of the rotating member (26), to allow capture of images from multiple angles when the rotating member (26) is rotated and a first display (22) disposed on the first surface (not labeled) of the rotating member (26).

With respect to claim 2, Yeung teaches (Fig. 3) a second display (52) disposed on the body (50), to display an image captured by the sensor (66).

With respect to claim 9, Yeung teaches (Fig. 3) the sensor (66) is a CMOS sensor (col. 3, lines 22-24):

With respect to claim 10, Yeung teaches (Fig. 3) the electronic device is a mobile phone (col. 4, lines 25-31)).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3,4,11,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeung (US PN 6842652 B2) in view of Mishio (US 2002/0048459 A1).

With respect to claim 3, Yeung teaches (Fig. 3,4) the image capture device (10) operating in standby mode with a second display (52) (col. 3, lines 58-67 & col. 4, lines 1-4).

Although, Yeung teaches the image capture device (10) operating in standby mode, it is silent as to the specific position of the rotating member when entering these modes.

Mishio teaches (Fig. 1, 2) a display (230) entering standby mode when the camera is in its inoperable status and directed to the inside (p. 2, lines 21+ of par 0025).

It would have been obvious to one of ordinary skill in the relevant art at the time the invention was made to utilize the camera position detection system of Mishio in the invention of Yeung to provide a means to signal the display to stop displaying images when the camera has rotated to a certain angle indicating a standby state, in order to provide means to turn off the display & to save battery (energy).

With respect to claim 4, Mishio teaches (Fig. 1,2) a display means (230) disabled in standby mode (col. 2, par. 0025).

With respect to claim 11, Yeung teaches (Fig. 3) an electronic device (10) with display (52) and sensor (66), comprising a body (50), a rotating member (26) rotatably connected to the body (50) and having first and second surfaces (not labeled); a second display (52) disposed on the body (50); and a sensor (66) disposed on the second surface (not labeled) of the rotating member (26), to capture an image and display it on the second display (52), wherein the second display (52) enters a standby mode when the light indicator is (70) is blinking slowly (see, for example, col. 3, lines 64-67) and a first display (22) disposed on the first surface (not labeled) of the rotating member (26).

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Yeung does not teach a second display entering a standby mode when the second surface of the rotating member is rotated to the face of the body.

Mishio teaches (Fig.1, 2) a display (230) entering standby mode when the camera is in its inoperable status and directed to the inside (p. 2, col. 2, par 0025).

It would have been obvious to one of ordinary skill in the relevant art at the time the invention was made to utilize the camera position deflection system of Mishio in the invention of Yeung to provide a means to signal the display to stop displaying images when the camera has rotated to a certain angle indicating a standby state, in order to provide means to turn off the display & to save battery (energy).

With respect to claim 12, Yeung teaches the electronic device is a mobile phone (col. 4, 26-31).

Regarding claim 13, only functional recitations are recited in the claim. No structure or circuitry is provided in the claim to support the function recited. In order to be given patentable weight, a functional recitation must be supported by recitation in the claim of sufficient structure( or circuitry in the instant case) to warrant the presence of the functional language (see *In re Fuller*, 1929 C.D. 172; 388 O. G. 279). Hence, the functional limitations of claim 13 has not been given patentable weight.

***Allowable Subject Matter***

3. Claims 5-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 5-8, claim 5 recites: "the second display is enabled when the first metal contact portion contacts the second metal contact portion, and the second display enters a standby mode when the first metal contact portion is separated from the second metal contact portion." These limitations in combination with all remaining limitations of the claims are believed to render the claims patentable over the art of record.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Hamamura et al. (US 2005/0072589 A1), Silverbrook et al. (US 2004/0032501 A1), Roustaei et al. (US 2001/0034222 A1), Reber et al. (US PN 6418325 B1), Watanabe (US PN 6591088 B1), Oshima et al. (US 2005/0068444 A1), Silverbrook et al. (US PN 6914686 B2), Yamaguchi (US 2005/0057685 A1), Wang et al. (US PN 20040263660 A1), Kuchimaru (US 2005/0047770 A1), Chuang

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(US2004/0135918 A1), & Lieu (US 2003/0179182 A1) show the general state of the art regarding electronic and image capture devices.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ingrid Wright whose telephone number is (571) 272-8392. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

8/19/05  
IDW



**ANATOLY VORTMAN**  
**PRIMARY EXAMINER**